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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

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14 **GARY KREMEN**, an individual,

15 Plaintiff,

16 vs.

17 **AMERICAN REGISTRY FOR INTERNET**  
18 **NUMBERS, LTD.**, a Virginia corporation,

19 Defendant.

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Case No. C 06-2554 JW

**REQUEST FOR JUDICIAL NOTICE BY  
PLAINTIFF GARY KREMEN IN  
SUPPORT OF HIS OPPOSITION TO  
MOTION TO DISMISS; DECLARATION  
OF KARL S. KRONENBERGER**

**[Federal Rule of Evidence 201]**

**Date: September 11, 2006**

**Time: 9:00 a.m.**

**Judge: Hon. James Ware**

**TRIAL DATE: NONE SET**

## REQUEST FOR JUDICIAL NOTICE

1. Plaintiff Gary Kremen ("KREMEN"), through his attorneys of record  
2 Kronenberger Hanley, LLP, hereby requests that the Court take judicial notice of the  
3 following filings in the case of *Kremen v. Cohen*, C98-20718, which has been deemed a  
4 related case to the present case: a) the Motion for Clarification, or in the Alternative, for  
5 Modification of Order Dated September 17, 2001, Entitled "Order RE: Registration of IP  
6 Numbers (NETBLOCKS) in the Name of Judgment Creditor ("Motion to Modify"); b) the  
7 Declaration of Raymond A. Plzak, President of ARIN (Decl. of Plzak) filed in support of  
8 its Motion to Modify, and c) Defendant ARIN's objection letter to the bankruptcy action  
9 filed and entered on March 28, 2006 in the case of *Birch Telecom, Inc. and Rockwall*,  
10 05-12237-PJW District Court for the District of Delaware (entry 683 on the Pacer  
11 docket).

2. KREMEN submits this request pursuant to Federal 'Rule of Evidence 201,  
3 which authorized the judicial notice of facts that are capable of accurate and ready  
4 determination by resort to sources whose accuracy cannot reasonably be questioned,  
5 and which makes judicial notice of such matters mandatory if requested by a party and  
6 supplied with the necessary information. Fed. R. Evid. 201(b)&(d). The Ninth circuit  
7 has indicated that court files are among those matters of which a court must take  
8 judicial notice if supplied with the requisite information. *Mullis v. United States Bank*,  
9 Ct., 828 F.2d 1385, 1388, fn. 9 (9<sup>th</sup> Cir. 1987).

3. Defendant's Motion to Modify and Declaration of Plzak in support are  
4 documents that were filed with this court on or about June 27, 2006, and is part of the  
5 Court file in the *Kremen v. Cohen* case, and Defendant ARIN's objection letter to the  
6 bankruptcy action was filed and entered on March 28, 2006 in the case of *Birch*  
7 *Telecom, Inc. and Rockwall*, 05-12237-PJW District Court for the District of Delaware  
8 (entry 683 on the Pacer docket). For these reasons, KREMEN respectfully requests  
9 that the Court take judicial notice of these documents and consider these documents in  
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1 connection with its ruling on the Motion to Dismiss filed by Defendant ARIN pursuant to  
2 Federal Rule of Civil Procedure 12(b)(6).

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4 DATED: August 21, 2006.

5 **KRONENBERGER HANLEY, LLP**  
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8 By: s/ Terri R. Hanley  
9 Terri R. Hanley  
Karl S. Kronenberger  
10 Attorneys for Plaintiff Gary Kremen  
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## **DECLARATION OF KARL S. KRONENBERGER**

I, Karl S. Kronenberger, declare and state as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of California and am an attorney with the law firm of Kronenberger Hanley, LLP, attorneys of record herein for Plaintiff Gary Kremen. I make this declaration in support of the Request for Judicial Notice by Plaintiff Gary Kremen in Support of Plaintiff Kremen's Opposition to the Motion to Dismiss filed by Defendant Pursuant to Federal Rules of Civil Procedure 12(b)(6). The facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

2. Attached hereto as Exhibit A is a true and correct copy of the Motion for Clarification, or in the Alternative, for Modification of Order Dated September 7, 2001, Entitled "Order RE: Registration of IP Numbers (NETBLOCKS) in the Name of Judgment Creditor, filed with this Court on June 27, 2006.

3. Attached hereto as Exhibit B is a true and correct copy of the Declaration or Raymond A. Plzak, President of ARIN (Decl. of Plzak) filed on June 27, 2006 in support of its Motion to Modify.

4. Attached hereto as Exhibit C is a true and correct copy of Defendant ARIN's objection letter to the bankruptcy action filed and entered on March 28, 2006 in the case of *Birch Telecom, Inc. and Rockwall*, 05-12237-PJW District Court for the District of Delaware (entry 683 on the Pacer docket).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 21, 2006, at San Francisco, California.

s/ Karl S. Kronenberger  
Karl S. Kronenberger